

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:22-CV-207-FL

DERRICK ALLEN, SR.,

Plaintiff,

v.

ALDI INC., CARY POLICE
DEPARTMENT, CITY OF CARY,
HAROLD WINEBRECHT Cary Mayor,
SEAN R. STEGALL Cary City Manager,
VIRGINIA H. JOHNSON, Clerk for Town
of Cary, and WAKE COUNTY SHERIFF
DEPT.,

Defendants.

ORDER

This matter is before the court for review of plaintiff's complaint (DE 2) pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Brian S. Meyers entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended plaintiff's claims be dismissed. (DE 14). Plaintiff did not file objections to the M&R, and the time within which to make any objection has expired. In this posture, the issues raised are ripe for ruling.

Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R.

Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

The magistrate judge recommends dismissal of plaintiff's claims for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, plaintiff's claims are DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. The clerk of court is DIRECTED to close the case.

SO ORDERED, this the 21st day of March, 2023.



LOUISE W. FLANAGAN
United States District Judge